

Nepal

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Freedom of the Press

In 2013, Nepal made modest progress on improving conditions for the media. There were no confirmed assassinations of journalists during the year, according to the Committee to Protect Journalists. Nevertheless, press freedom remained hobbled by factors including legal reprisals for reporting on sensitive topics and threats of violence against journalists.

The 2007 interim constitution features language protecting freedom of the press, opinion, and expression. However, it has been criticized for failing to meet international standards on these issues, and the government has struggled to uphold media freedom in practice. According to the constitution, freedom of expression can be restricted in cases of defamation and incitement, as well as in the interest of promoting sovereignty, public decency or morality, and harmonious relations between different communities. The draft permanent constitution contains clauses with opaque and malleable language. For example, Clause 2a of Article 2 grants every citizen freedom of opinion and expression, but goes on to state that authorities have the right to place “reasonable restrictions” on free speech. Article 12 promises citizens the right to access information, but stipulates that “any matter about which confidentiality is to be maintained according to law” shall be excluded from this provision. Article 4 could prove to be a positive addition, as it provides a special charter of rights specifically for the mass media. However, the Constituent Assembly failed to approve the new constitution before a May 2012 deadline, and it was forced to dissolve, handing power to a caretaker administration. A second Constituent Assembly, elected in November 2013, pledged to present a new draft constitution within one year.

Criminal defamation charges are rarely employed against journalists, but other legal obstacles hamper media coverage. In May 2013, Kantipur Publications and one of its journalists were charged with contempt of court for an article that criticized a judicial decision to expel another journalist from a court for improper attire. The case remained unresolved at year’s end.

Legal restrictions also affected internet-based media in 2013. At least four journalists were arrested during the year for violating the Electronic Transaction Act of 2008. In June, authorities arrested editor Sushil Pant and owner Santosh Bhattarai of the website Nepaliheadlines.com regarding an allegedly defamatory story about a girls’ college in Kathmandu. Another journalist, Pushkar Nath Kandel, was arrested for publishing the same story on a different website. All three were released within five days, but the arrests appeared to clash with the Press Council Act, which stipulates that the Press Council of Nepal (PCN) is legally responsible for handling complaints regarding print and internet media. In September, the journalist Dinesh Acharya, editor of the *Share Bazaar* weekly, was arrested under the Electronic Transaction Act for a story he published on his Facebook page. A businessman had brought the complaint, claiming that the article damaged his reputation.

The 2007 Right to Information Act, though generally welcomed by press freedom groups, has been criticized for its requirement that applicants furnish reasons for their requests. In 2012, the government issued a directive that expanded the number of information categories shielded from citizen requests from 6 to 140. The newly protected categories included political party financing, development projects, and parliamentary decisions. After a widespread public outcry, the Supreme Court issued a stay to halt implementation of the directive.

The media are not generally subject to direct censorship. The PCN and the Federation of Nepali Journalists (FNJ) have a code of ethical conduct, but it lacks effective enforcement mechanisms and support from media stakeholders. There is no independent regulatory body to oversee the broadcasting sector. Under the current arrangement, the government is the only licensing and regulatory agency for the media—a point of contention for independent and community broadcasters. In January 2012, the Ministry of Information and Communications published a draft media policy on its website. The ministry was criticized for failing to involve key players—including the FNJ—in the process, as well as for substantive gaps in the policy, including its failure to address the need for independent regulation of broadcasting and internet freedom. The media policy had yet to be formally adopted at year's end.

Nepal made progress regarding violence against journalists in 2013. According to the Committee to Protect Journalists, there were no confirmed cases in which journalists were killed in connection with their work, and the organization removed Nepal from its Impunity Index for the first time since 2008. Two journalists, Yadav Poudel and Santosh Gupta, were murdered in 2012, though police investigations did not conclude whether the crimes were related to the victims' work.

Nepali authorities took some steps to combat the culture of impunity for attacks on journalists. In January 2013, the police arrested five individuals in connection with the 2004 murder of radio journalist Dekendra Raj Thapa. The five suspects were district-level leaders of the United Communist Party of Nepal (Maoist), and their arrest was sharply criticized by Baburam Bhattarai, a Maoist who was then the prime minister. One of the accused confessed to Agence France-Presse that he took part in burying Thapa alive. Amid allegations of political interference, the case remained stalled at year's end. In September, the authorities arrested a former Maoist in connection with the 2009 murder of reporter Uma Singh, who was attacked in her home by 15 assailants. However, the murders of many other journalists remain unsolved and underinvestigated by authorities.

Journalists continued to face threats and violence short of murder during 2013. In January, supporters of the prime minister injured six journalists who were protesting his alleged interference in the Thapa case. On the same day, at least 10 journalists were prevented from covering the Maoist party's convention by cadres who warned them that they would meet the same fate as Thapa. At the end of January, more than 20 journalists fled their homes in Dailekh District due to alleged death threats from Maoist supporters. The incident led to a freeze in the operations of three newspapers and two radio stations. In February, Maoists attacked the vehicles of two news organizations while enforcing a shutdown of schools, markets, and public transit in Kathmandu to protest the Thapa case arrests and recent political developments. And in June, a television crew was attacked by a mob while covering the government's raid on a dairy factory. The reporter alleged that the factory owner had summoned the mob by telephone.

Nepal's media sector has developed considerably in the past two decades, with 340 newspapers, 515 radio stations, and 58 television channels in operation in 2013, according to UN figures. The media generally offer a broad spectrum of political views and appear to have diverse owners, though there is no reliable information on media ownership in the country. The government owns several of the major dailies as well as the influential Radio Nepal and Nepal Television Corporation. Political parties have also come to own an increasing share of newspapers in recent years. Media ownership often lacks sufficient transparency, and it is not unusual for the selection of editors at national newspapers to be governed by political deals and bargaining.

Because there are few barriers to market entry, radio remains the most popular news medium. The country's 234 community radio stations now outnumber commercial stations and serve as a means of protecting local cultures and languages from the dominance of Nepali-language media. However, while license fees have been adjusted in recent years to support diversity, community radio stations still have difficulty competing with commercial stations for resources. Despite the large number of outlets,

mainstream Nepali media often either ignore or are heavily biased against the interests of Dalits, Madhesis, indigenous peoples, and Muslims, who collectively form about 70 percent of the population.

Many media workers do not receive professional training, are informally employed, and are paid well below prescribed minimum wages. Since the government is a major source of advertising, journalists are often forced to self-censor in order to avoid conflict with the ruling party.

There are some government restrictions on the internet, to which 13 percent of the population had access in 2013. Internet service providers are required to filter pornographic content and any material that “incites racial and religious hatred and is against the national interest.”

2014 Scores

Press Status

Partly Free

Press Freedom Score

(0 = best, 100 = worst)

55

Legal Environment

(0 = best, 30 = worst)

16

Political Environment

(0 = best, 40 = worst)

24

Economic Environment

(0 = best, 30 = worst)

15